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LAWS AND RULES CONCERNING PROFESSIONAL LOBBYISTS



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Regulation of Lobbyists – Colorado Revised Statutes

TITLE 24 GOVERNMENT - STATE

ARTICLE 6 Colorado Sunshine Law

PART 3 REGULATION OF LOBBYISTS

24-6-301. Definitions. As used in this part 3, unless the context otherwise requires:

(1) "Communication" includes but is not limited to a transmittal of information, data, ideas, opinions, or anything of a similar nature, either oral, written, or by any other means, to a covered official.

(1.5) "Contribution" means a gift, subscription, loan, advance, or deposit of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make a contribution. "Contribution" also includes the compensation and reimbursement for expenses of a person required to file a disclosure statement under section 24-6-302.

(1.7) "Covered official" means:

(a) For the type of lobbying defined in subparagraphs (I), (II), and (III) of paragraph (a) of subsection (3.5) of this section, the governor, the lieutenant governor, or a member of the general assembly;

(b) For the type of lobbying defined in subparagraph (IV) of paragraph (a) of subsection (3.5) of this section, a member of a rule-making board or commission or a rule-making official of a state agency which has jurisdiction over the subject matter of a rule, standard, or rate.

(1.9) (a) "Disclosure statement" means a written statement that contains:

(I) The name and address of each person who has made a contribution totaling one hundred dollars or more to or for the disclosing person for lobbying during the calendar year, together with the amount thereof;

(II) The total sum of the contributions made to or for the disclosing person for lobbying since the last disclosure statement which are not stated under subparagraph (I) of this paragraph (a);

(III) The total sum of all contributions made to or for the disclosing person for lobbying since the last disclosure statement and during the calendar year;

(IV) The name of any covered official to or for whom expenditures of fifty dollars or more have been made by or on behalf of the disclosing person for gift or entertainment purposes in connection with lobbying or for whom an expenditure was made by or on behalf of the disclosing person for a gift of a meal at a fund-raising event of a political party

described in section 1-45-105.5 (1) (c) (IV), C.R.S., during either the first six months or the second six months of a calendar year and the amount, date, and principal purpose of the gift or entertainment, if the covered official or a member of his or her family actually received such gift or entertainment, but expenditures of one dollar or less shall be reported under subparagraph (V) of this paragraph (a). All amounts spent by a professional lobbyist on a covered official for which the lobbyist is reimbursed, or the source of which is a contribution, shall be deemed to be for gift or entertainment purposes.

(V) The total sum of all expenditures made by or on behalf of the disclosing person to covered officials for gift or entertainment purposes in connection with lobbying since the last disclosure statement which are not stated under subparagraph (IV) of this paragraph (a);

(VI) (Deleted by amendment, L. 96, p. 1081, § 1, effective August 7, 1996.)

(VII) The total sum of all expenditures made by or on behalf of the disclosing person in connection with lobbying, other than gift and entertainment expenditures, since the last disclosure statement which are not stated under subparagraph (VI) of this paragraph (a);

(VIII) The total sum of all expenditures made by or on behalf of the disclosing person in connection with lobbying since the last disclosure statement and during the calendar year;

(IX) A statement, which shall only be given by a professional lobbyist, which contains the names of, and the amounts of any expenditures or contributions made to, any papers, periodicals, magazines, radio or television stations, or other media of mass communication to whom expenditures or contributions were made in which the professional lobbyist or his employer or agent has caused to be published any advertisements, articles, or editorials relating to lobbying; except that this information is not required for regular or routine publications sent primarily to the members of the professional lobbyist's organization, which publications contain information relating to his lobbying;

(X) The nature of the legislation, standards, rules, or rates for which the disclosing person is receiving contributions or making expenditures for lobbying and, where known, the specific legislation, standards, rules, or rates. In the case of specific legislation, disclosure shall include, during a regular or special session of the general assembly, the bill number of the legislation, and whether the disclosing person's principal is supporting, opposing, amending, or monitoring the legislation identified as of the time a disclosure statement is required to be filed pursuant to section 24-6-302 (3), after the disclosing person is retained to advocate or monitor in connection with the legislation. The disclosure statement shall specify that the disclosing person's representation is accurate as of the date of disclosure only and that such representation is not binding on the disclosing person after such date and is subject to change subsequent to such date and prior to the time the next disclosure statement is due. If a disclosure statement from a disclosing person during a regular or special session of the general assembly fails to show any bill numbers or nature of the legislation, as applicable, the disclosing person shall be required to make an affirmative statement that he or she was not retained in connection with any legislation. Nothing in this subparagraph (X) shall require any additional disclosure on the part of a disclosing person before the next applicable reporting deadline pursuant to section 24-6-302 (3). For purposes of this subparagraph (X), "legislation" means the process of making or enacting law in written form in the form of codes, statutes, or rules.

(XI) If the disclosing person's principal is an individual, the name and address of the individual and a description of the business activity in which the individual is engaged. If the disclosing person's principal is a business entity, a description of the business entity in which the principal is engaged and the name or names of the entity's chief executive officer or partners, as applicable. If the disclosing person's principal is an industry, trade, organization

or group of persons, or professional association, a description of the industry, trade, organization or group of persons, or profession that the disclosing person represents.

(XII) A statement detailing any direct business association of the disclosing person in any pending legislation, measure, or question. For purposes of this subparagraph (XII), a "direct business association" means that, in connection with a pending bill, measure, or question, the passage or failure of the bill, measure, or question will result in the disclosing person deriving a direct financial or pecuniary benefit that is greater than any such benefit derived by or shared by other persons in the disclosing person's profession, occupation, or industry. A disclosing person shall not be deemed to have a direct personal relationship in a pending bill, measure, or question where such interest arises from a bill, measure, or question that affects the entire membership of a class to which the disclosing person belongs.

(b) The secretary of state shall prescribe a form for disclosure statements, which shall contain:

(I) A statement, which the disclosing person may adopt, if true, that no change has occurred since the prior month's disclosure statement, in which case the information required by paragraph (a) of this subsection (1.9) may be omitted;

(II) A statement, which the disclosing person may adopt, if true, that no unreported contributions for lobbying are receivable and that no unreported expenditures for lobbying will be made during the remainder of the calendar year;

(III) A statement which the disclosing person shall sign indicating that the information provided is correct and complete; but notarization of such statement shall not be required. The disclosing person, in signing such statement, shall be subject to section 18-8-503, C.R.S., concerning false statements made to a public servant.

(c) Whenever a person required to file a disclosure statement under this part 3 solicits, collects, or receives contributions which are used for lobbying as well as for other purposes, or makes an expenditure which is attributable to lobbying as well as to other purposes, such contributions and expenditures shall be allocated between lobbying and other purposes, and the disclosure statement shall contain that portion allocated to lobbying.

(2) "Expenditure" means a payment, distribution, loan, advance, deposit, or gift of money or anything of value and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure.

(2.5) "Gross income for lobbying" means the total income, including compensation for services, fees, and similar payments, before any deductions are made, received by a professional lobbyist for lobbying or by a firm organized for professional lobbying purposes that employs a professional lobbyist.

(3) Repealed.

(3.5) (a) "Lobbying" means communicating directly, or soliciting others to communicate, with a covered official for the purpose of aiding in or influencing:

(I) The drafting, introduction, sponsorship, consideration, debate, amendment, passage, defeat, approval, or veto by any covered official on:

(A) Any bill, resolution, amendment, nomination, appointment, or report, whether or not in writing, pending or proposed for consideration by either house of the general assembly or committee thereof, whether or not the general assembly is in session;

(B) Any other matter pending or proposed in writing by any covered official for consideration by either house of the general assembly or a committee thereof, whether or not the general assembly is in session;

(II) Repealed.

(III) The convening of a special session of the general assembly or the specification of business to be transacted at such special session;

(IV) The drafting, consideration, amendment, adoption, or defeat of any rule, standard, or rate of any state agency having rule-making authority.

(b) Subject to the exclusions and provisions of this paragraph (b), for the purpose of determining when contributions and expenditures become reportable in disclosure statements, "lobbying" includes activities undertaken by the person engaging in lobbying and persons acting at his request to prepare for lobbying which in fact ultimately occurs, provided:

(I) No such reports shall be required for activities occurring prior to the preceding calendar year;

(II) Expenditures shall not be reported when such expenditures are incurred by a person in the ordinary course of the business or affairs of such person and are not made for lobbying. Such nonreportable expenditures will include, but not be limited to, the keeping of books of account and the routine collection of statistics and other data.

(c) "Lobbying" does not include communications made by a person in response to a statute, rule, regulation, or order requiring such a communication.

(d) (I) "Lobbying" does not include communications by a person who appears before a committee of the general assembly or a rule-making board or commission solely as a result of an affirmative vote by the committee, board, or commission issuing a mandatory order or subpoena commanding that he appear and testify, or making such a person a respondent in such a proceeding whether or not he is reimbursed by the committee, board, or commission for his expenses incurred in making such appearance.

(II) (Deleted by amendment, L. 2004, p. 431, 1, effective August 4, 2004.)

(III) (A) **Legislative declaration.** The general assembly hereby declares its support of the "Colorado Sunshine Act of 1972" and the open process that it has brought to the legislative process in Colorado. The general assembly's intent in enacting this subparagraph (III) is to achieve a more uniform application of the lobbying laws to witness testimony and to clarify the ability of the public to provide testimony to the general assembly and to state agencies.

(B) "Lobbying" excludes persons who are not otherwise registered as lobbyists and who limit their activities to appearances to give testimony or provide information to committees of the general assembly or at public hearings of state agencies or who give testimony or provide information at the request of public officials or employees and who clearly identify themselves and the interest for whom they are testifying or providing information.

(e) "Lobbying" does not include communications made by an attorney-at-law when such communications are made on behalf of a client whose name has been identified and when such communications constitute the practice of law subject to control by the judicial branch of the state of Colorado.

(f) "Lobbying" does not include duties performed by employees of the legislative department.

(4) "Person" means an individual, limited liability company, partnership, committee, association, corporation, or any other organization or group of persons.

(5) "Political committee" means any committee, association, or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the election of candidates or presidential and vice-presidential electors or any duly authorized committee or subcommittee of a national, state, or local political party.

(6) "Professional lobbyist" means any individual who engages himself or is engaged by any other person for pay or for any consideration for lobbying. "Professional lobbyist" does not include any volunteer lobbyist, any state official or employee acting in his official

capacity, except as provided in section 24-6-303.5, any elected public official acting in his official capacity, or any individual who appears as counsel or advisor in an adjudicatory proceeding.

(7) "Volunteer lobbyist" means any individual who engages in lobbying and whose only receipt of money or other thing of value consists of nothing more than reimbursement for actual and reasonable expenses incurred for personal needs, such as meals, travel, lodging, and parking, while engaged in lobbying or for actual expenses incurred in informing the organization making the reimbursement or the members thereof of his lobbying.

24-6-302. Disclosure statements - required.

(1) (Deleted by amendment, L. 96, p. 1081, § 2, effective August 7, 1996.)

(2) Any person who makes expenditures for gifts or entertainment purposes for the benefit of covered officials in the aggregate amount of two hundred dollars in a calendar year shall file disclosure statements with the secretary of state in accordance with this section. Such disclosure statements shall not include actual and reasonable expenses incurred for personal needs, such as meals, travel, lodging, and parking.

(2.5) (a) A registered professional lobbyist and any firm organized for professional lobbying purposes that employs such lobbyist shall file disclosure statements in accordance with this section. Such a disclosure statement, in lieu of the contributions described in section 24-6-301 (1.9) (a) (I), (1.9) (a) (II), and (1.9) (a) (III), shall contain the gross income for lobbying since the prior month's disclosure statement and the name and address of any person from whom gross income for lobbying is received totaling one hundred dollars or more.

(b) No disclosure statement shall be required of a person who is described in a disclosure statement of a registered professional lobbyist pursuant to paragraph (a) of this subsection (2.5).

(c) Nothing in this subsection (2.5) shall be construed to require a professional lobbyist or a firm organized for professional lobbying purposes that is engaged in lobbying for a trade association, public interest group, or governmental organization to include in the disclosure statement of such lobbyist or firm any dues, assessments, or fees collected by such association, group, or organization for lobbying purposes.

(3) (a) Disclosure statements shall be filed within fifteen days after the end of the first calendar month in which any contribution or gross income for lobbying is received or any expenditure is made or incurred for lobbying and shall be filed within fifteen days after the end of each subsequent month during the calendar year.

(b) A cumulative disclosure statement for the entire state fiscal year shall be filed on or before July 15 covering the period from the previous July 1 through the subsequent June 30 immediately preceding the date on which the cumulative disclosure statement is due. Such disclosure statement shall contain the name of and total gross income for lobbying received from each person for the previous state fiscal year. If a firm organized for professional lobbying purposes subcontracts lobbying business to another such firm or lobbyist, or if a registered professional lobbyist subcontracts lobbying business to another such firm or lobbyist, only the firm or lobbyist that receives the business on a subcontract shall report the information required to be disclosed pursuant to this subsection (3). The firm or lobbyist that subcontracted the business to another firm or lobbyist shall describe in an addendum or supplement to the report required to be filed pursuant to the provisions of this subsection (3) the total gross income received from lobbying that is being contemporaneously reported by another firm or lobbyist.

(4) If a person adopts the statement set out in section 24-6-301 (1.9) (b) (II), he shall at the same time file a cumulative disclosure statement for the calendar year to date and thereafter shall not have to file monthly disclosure statements unless he subsequently becomes required to do so by virtue of subsection (3) of this section.

(5) This section shall not apply to any political committee, volunteer lobbyist, citizen who lobbies on his own behalf, state official or employee acting in his official capacity, except as provided in section 24-6-303.5, or elected public official acting in his official capacity.

(6) (a) During the period that the general assembly is not in session, a registered professional lobbyist shall notify the secretary of state in writing within five working days after an oral or written agreement to engage in lobbying for any person not disclosed in the registration statement filed pursuant to section 24-6-303 (1). During the period that the general assembly is in session, a registered professional lobbyist shall notify the secretary of state after an agreement to engage in lobbying for any person not disclosed in the registration statement filed pursuant to section 24-6-303 (1), either by means of the electronic filing system created in section 24-6-303 (6.3) or by facsimile transmission in accordance with the following:

(I) In the case of a written agreement to engage the lobbyist, disclosure shall be made within twenty-four hours after the date of the agreement; and

(II) In the case of an oral agreement to engage the lobbyist, the disclosure shall be made within twenty-four hours after the date of a subsequent written agreement between the parties, the commencing of lobbying activities, or the date the lobbyist receives any payment on the agreement, whichever occurs first.

(b) A registered professional lobbyist who provides the notification under paragraph (a) of this subsection (6) shall file, concurrently with the next disclosure statement due after such notification, a signed written statement that contains:

(I) The name and address of the person described in such notification;

(II) A summary of the terms related to lobbying under the agreement between such person and the registered professional lobbyist;

(III) (Deleted by amendment, L. 2001, p. 147, § 1, effective July 1, 2001.)

(7) In addition to the criminal penalty provided for in section 24-6-309 (1), the secretary of state, after proper notification by certified mail, shall impose an additional penalty of ten dollars per day for each day that a disclosure statement required to be filed by this section is not filed by the close of the business day on the day due; except that the secretary of state may excuse such penalty for bona fide personal emergencies. Revenues collected from penalties assessed by the secretary of state shall be deposited in the department of state cash fund created in section 24-21-104 (3).

24-6-303. Registration as professional lobbyist - filing of disclosure statements - certificate of registration. (1) Any professional lobbyist, before engaging in lobbying, shall register with the secretary of state, pay a fee in accordance with the requirements of subsection (1.3) of this section, and file a written or electronic registration statement that shall contain:

(a) His full legal name, business address, and business telephone number;

(b) The name, address, and telephone number of any person by whom he is employed;

(c) The name, address, and telephone number of any person for whom he will be lobbying; and

(d) The name, address, and telephone number of any person by whom the professional lobbyist or firm organized for professional lobbying is paid or is to be paid for such lobbying.

(1.3) (a) At the time a professional lobbyist files a registration statement in accordance with subsection (1) of this section prior to engaging in lobbying, and each time such lobbyist files an updated registration statement in accordance with subsection (1.5) of this section, such individual shall pay a registration fee not to exceed fifty dollars. The actual fee to be charged shall be set by the secretary of state by rule promulgated in accordance with article 4 of this title and shall be set at a level that offsets the costs to the secretary of state of providing electronic access to information pursuant to section 24-6-304 (2) and in processing and maintaining the disclosure information required by this part 3. The secretary of state shall charge a reduced fee to a professional lobbyist that files his or her registration statement pursuant to paragraph (b) of subsection (6.3) of this section. The secretary of state may waive the fee of a registered professional lobbyist for a not-for-profit organization who derives his or her compensation solely from the organization. A volunteer lobbyist as defined in section 24-6-301 (7) shall be exempt from the requirement to pay the registration fee mandated by this paragraph (a).

(b) All fees collected pursuant to the provisions of this subsection (1.3) shall be credited to the department of state cash fund created in section 24-21-104 (3) (b).

(1.5) A professional lobbyist shall file an updated registration statement on or before July 15 of each year unless at that time he or she is no longer a professional lobbyist. Registration under this subsection (1.5) shall be effective until July 1 of the next year.

(2) A registered professional lobbyist shall file disclosure statements as required by section 24-6-302.

(3) Consistent with the requirements of subsection (6.3) of this section, a hard copy of all registration statements and disclosure statements of professional lobbyists shall be compiled by the secretary of state within thirty days after the end of the calendar month for which such information is filed and shall be organized alphabetically according to the names of the professional lobbyists.

(4) No individual shall act as a professional lobbyist unless he has received a certificate of registration as provided in section 24-6-305 (1).

(5) An individual shall not be considered a professional lobbyist solely because of his appearance as a witness in rule, standard, or rate-making proceedings.

(6) This section shall not apply to any political committee, volunteer lobbyist, citizen who lobbies on his own behalf, state official or employee acting in his official capacity, except as provided in section 24-6-303.5, or elected public official acting in his official capacity.

(6.3) (a) No later than January 1, 2002, the secretary of state shall establish, operate, and maintain a system that enables electronic filing of the reports required by this part 3 by utilizing the internet. Rules concerning the manner in which reports required by this part 3 may be filed electronically, including but not limited to the information to be contained in such reports, the procedure for amending such reports, and public access to the electronic filing system, shall be promulgated by the secretary of state in accordance with article 4 of this title.

(b) In addition to any other method of filing, any person subject to the filing requirements of this part 3 or his or her duly authorized agent may use the electronic filing system described in paragraph (a) of this subsection (6.3) in order to meet such filing requirements.

24-6-303.5. Lobbying by state officials and employees. (1) (a) Each principal department of state government, as defined in section 24-1-110, shall designate one person who shall be responsible for any lobbying of the type defined in section 24-6-301 (3.5) (a) (I) or (3.5) (a) (III) by a state official or employee on behalf of said principal department. All designated persons from the principal departments, as well as any person lobbying, as defined in section 24-6-301 (3.5) (a) (I) or (3.5) (a) (III), on behalf of an institution or governing board of higher education, shall register with the secretary of state by filing a written statement on or before January 15 of each calendar year. Such registration statement shall be on a form prescribed by the secretary of state and shall include the following:

(I) The designated person's full legal name, principal department address, and business telephone number;

(II) The name of any state official or employee who is lobbying on behalf of the principal department, the name of such person's division or unit within the principal department, his classification or job title, and the address and telephone number of his division or unit.

(b) Copies of the original documents filed with the secretary of state shall be filed with the governor's office, the secretary of the senate, and the Chief Clerk of the House of Representatives.

(c) Any amendments to the original registration statement shall be filed with the secretary of state within seven days of the pertinent change.

(2) (a) In addition to the registration statement filed pursuant to subsection (1) of this section, the designated person, and any person lobbying on behalf of an institution or governing board of higher education, shall file, monthly, a disclosure statement with the secretary of state in accordance with this subsection (2). The secretary of state shall prescribe the form for such disclosure statement, which shall include:

(I) The legislation on which lobbying is being performed;

(II) Any expenditure of public funds used for lobbying and the amount thereof;

(III) An estimate of the time spent on lobbying or preparation thereof by any state official or employee named in the registration statement or any other employee of the principal department.

(b) Disclosure statements shall be filed within fifteen days after the end of the first calendar month and shall be filed within fifteen days after the end of each subsequent month during the calendar year.

(3) For purposes of this section, "state official or employee" means an individual who is compensated by a state of Colorado warrant and receives state of Colorado employee benefits except a lobbyist hired on a contract basis if he is currently registered under sections 24-6-302 and 24-6-303 or a lobbyist who registers as a professional lobbyist pursuant to sections 24-6-302 and 24-6-303.

(4) This section shall not apply to the following persons:

(a) Members of the public utilities commission, the industrial claim appeals office, the state board of land commissioners, the office of the property tax administrator, the state parole board, and the state personnel board;

(b) Members of any board or commission serving without compensation except for per diem allowances provided by law and reimbursement of expenses;

(c) Members of the governor's cabinet and personal staff employees in the offices of the governor and the lieutenant governor whose functions are confined to such offices and who report directly to the governor or lieutenant governor;

(d) Appointees to fill vacancies in elective offices;

- (e) One deputy of each elective officer other than the governor and lieutenant governor specified in section 1 of article IV of the state constitution;
 - (f) Members, officers, and employees of the legislative branch;
 - (g) Members, officers, and employees of the judicial branch; specifically, municipal, state, and federal judges and the state court administrator and his designee; and
 - (h) Any state official or employee communicating with a covered official in response to an inquiry of that covered official or when testifying before any committee of the general assembly upon request of a committee member.
- (5) Any person who engages in lobbying for a principal department but who is not a state official or employee shall comply with the requirements official or employee shall comply with the requirements of sections 24-6-302 and 24-6-303.

24-6-304. Records - preservation - public inspection - electronic access. (1) Each person required to file statements or reports under this part 3 shall maintain for a period of five years such records relating to such statements or reports as the secretary of state determines by regulation are necessary for the effective implementation of this part 3.

(2) Any statement required by this part 3 to be filed with the secretary of state shall be preserved by the secretary of state for a period of five years after the date of filing, shall constitute part of the public records of that office, and shall be open and readily accessible for public inspection. The secretary of state shall implement a computer information system that will allow computer users to cross-reference and review, using the name of a registered professional lobbyist or any other person, any disclosure statement or other written statement filed pursuant to section 24-6-302 and registration statement filed pursuant to section 24-6-303 on which the name of such lobbyist or other person appears.

(2) (a) Any statement required by this part 3 to be filed with the secretary of state shall be preserved by the secretary of state for a period of five years after the date of filing, shall constitute part of the public records of that office, and shall be open and readily accessible for public inspection. The secretary of state shall implement a computer information system that will allow computer users to cross-reference and review, using the name of a registered professional lobbyist or any other person, any disclosure statement or other written statement filed pursuant to section 24-6-302 and registration statement filed pursuant to section 24-6-303 on which the name of such lobbyist or other person appears.

(b) No later than January 1, 2002, the secretary of state shall establish, operate, and maintain a web site on the internet, or modify an existing site, that will allow computer users electronic read-only access to the information required to be filed by this part 3 free of charge. All information required to be filed by this part 3 that is filed electronically shall be made available:

- (I) On the web site within twenty-four hours after filing; and
- (II) In a form that allows a computer user to cross-reference and review, using the name of a registered professional lobbyist or any other person, any disclosure statement or other written statement filed pursuant to section 24-6-302 and registration statement filed pursuant to section 24-6-303 on which the name of such lobbyist or other person appears.

24-6-304.5. Examination of books and records. (1) The secretary of state has the power to request to examine or cause to be examined the books and records of any individual who has received or is seeking to renew a certificate of registration as a lobbyist as such books and records may relate to lobbying.

(2) Failure of a registrant or an applicant for renewal of the certificate of registration to comply with a request from the secretary of state to furnish the information in subsection

(1) of this section shall be grounds for the secretary of state to proceed to use his powers to revoke or suspend a certificate of registration or bar an individual from registration as provided in section 24-6-305.

24-6-305. Powers of the secretary of state - granting and revoking of certificates - barring from registration - imposition of fine - notification of substantial violation. (1) It is the duty and responsibility of the secretary of state:

(a) To grant a certificate of registration as a lobbyist to any individual who registers under the provisions of this section and who supplies the information required in this part 3;

(b) To revoke the certificate of registration of any individual who has been convicted of violating any of the provisions of this part 3.

(c) and (d) Repealed.

(2) In addition to any other powers conferred by this section, the secretary of state may:

(a) Revoke, or suspend for a maximum period of one year, or bar from registration for a maximum period of one year or the remainder of the legislative biennium, whichever is longer, the certificate of registration required by section 24-6-303 for failure to file the reports required by section 24-6-303 or to provide the information required by section 24-6-304.5; but no certificate may be revoked or suspended within thirty days after the failure to file such a report if, prior to the last day for filing such reports, the secretary of state has been informed in writing of extenuating circumstances justifying such failure. Any revocation or suspension of a certificate of registration or bar from registration shall be in accordance with the provisions of article 4 of this title.

(b) Adopt rules and regulations in accordance with the provisions of article 4 of this title to define, interpret, implement, and enforce the provisions of this part 3 and to prevent the evasion of the requirements of this part 3;

(c) On his own motion or on the verified complaint of any person, investigate the activities of any person who is or who has allegedly been engaged in lobbying and who may be in violation of the requirements of this part 3;

(d) Apply to the district court of the city and county of Denver for the issuance of an order requiring any individual, who is believed by the secretary of state to be engaging in lobbying as a professional lobbyist as defined in section 24-6-301 without having received a certificate of registration as required by the provisions of section 24-6-303, to produce documentary evidence which is relevant or material or to give testimony which is relevant or material to the matter in question.

(2) If the secretary of state has reasonable grounds to believe that any person is in violation of section 24-6-302 or section 24-6-303, the secretary of state may, after notice has been given and a hearing held in accordance with the provisions of article 4 of this title, issue a cease and desist order. Such order shall set forth the provisions of this part 3 found to be violated and the facts found to be the violation. Any person subject to a cease and desist order shall be entitled, upon request, to judicial review in accordance with the provisions of article 4 of this title.

(3) The secretary of state shall timely inform the president of the state senate and the speaker of the state house of representatives whenever the secretary of state has reasonable grounds to believe that a violation of section 24-6-302 or 24-6-303 has occurred that the secretary of state deems substantial.

24-6-306. Employment of legislators, legislative employees, or state employees - filing of statement. If any person who engages in lobbying employs or causes his employer

to employ any member of the general assembly, any member of a rule-making board or commission, any rule-making official of a state agency, any employee of the general assembly, or any full-time state employee who remains in the partial employ of the state or any agency thereof, the new employer shall file a statement under oath with the secretary of state within fifteen days after such employment. The statement shall specify the nature of the employment, the name of the individual to be paid thereunder, and the amount of pay or consideration to be paid thereunder.

24-6-307. Employment of unregistered persons. It is unlawful for any person to employ for pay or any consideration, or pay or agree to pay any consideration to, an individual to engage in lobbying who is not registered except upon condition that such individual register forthwith.

24-6-308. Contingent agreement prohibited. No person may make any agreement under which any consideration is to be given, transferred, or paid to any person contingent upon the passage or defeat of any legislation; the making or defeat of any rule, standard, or rate by any state agency; or the approval or veto of any legislation by the governor of this state.

24-6-309. Offenses - penalties - injunctions. (1) Any person who violates any of the provisions of this part 3, willfully files any document provided for in this part 3 that contains any materially false statement or material omission, or willfully fails to comply with any material requirement of this part 3 is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than five thousand dollars, or by imprisonment in the county jail for not more than twelve months, or by both such fine and imprisonment.

(2) Whenever it appears that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this part 3 or any rule or order under this part 3, the secretary of state may bring an action in district court to enjoin the acts or practices and to enforce compliance with this part 3 or any rule or order under this part 3.

Title 1, Article 45 (Fair Campaign Practices Act), Sections of Interest

1-45-105.5. Contributions to members of general assembly and governor during consideration of legislation. (1) (a) No professional lobbyist, volunteer lobbyist, or principal of a professional lobbyist or volunteer lobbyist shall make or promise to make a contribution to, or solicit or promise to solicit a contribution for:

(I) A member of the general assembly or candidate for the general assembly, when the general assembly is in regular session;

(II) (A) The governor or a candidate for governor when the general assembly is in regular session or when any measure adopted by the general assembly in a regular session is pending before the governor for approval or disapproval; or

(B) The lieutenant governor, the secretary of state, the state treasurer, the attorney general, or a candidate for any of such offices when the general assembly is in regular session.

(b) As used in this subsection (1):

(I) "Principal" means any person that employs, retains, engages, or uses, with or without compensation, a professional or volunteer lobbyist. One does not become a

principal, nor may one be considered a principal, merely by belonging to an organization or owning stock in a corporation that employs a lobbyist.

(II) The terms "professional lobbyist" and "volunteer lobbyist" shall have the meanings ascribed to them in section 24-6-301, C.R.S.

(c) (I) Nothing contained in this subsection (1) shall be construed to prohibit lobbyists and their principals from raising money when the general assembly is in regular session or when regular session legislation is pending before the governor, except as specifically prohibited in paragraph (a) of this subsection (1).

(II) Nothing contained in this subsection (1) shall be construed to prohibit a lobbyist or principal of a lobbyist from participating in a fund-raising event of a political party when the general assembly is in regular session or when regular session legislation is pending before the governor, so long as the purpose of the event is not to raise money for specifically designated members of the general assembly, specifically designated candidates for the general assembly, the governor, or specifically designated candidates for governor.

(III) A payment by a lobbyist or a principal of a lobbyist to a political party to participate in such a fund-raising event shall be reported as a contribution to the political party pursuant to section 1-45-108; except that, if the lobbyist or principal of a lobbyist receives a meal in return for a portion of the payment, only the amount of the payment in excess of the value of the meal shall be considered a contribution to the political party. The political party shall determine the value of the meal received for such payment, which shall approximate the actual value of the meal.

(IV) A gift of a meal described in subparagraph (III) of this paragraph (c) by a lobbyist or a principal of a lobbyist to an incumbent in or a candidate elected to any office described in paragraph (a) of this subsection (1) shall be reported as follows:

(A) The lobbyist shall report the value of the meal in the lobbyist disclosure statement filed pursuant to section 24-6-302, C.R.S.

(B) The incumbent or candidate shall report the value of the meal in the public official disclosure statement filed pursuant to section 24-6-203, C.R.S.

1-45-103.7. Contribution limits - definitions

(5) (a) No limited liability company shall make any contribution to a candidate committee or political party if one or more of the individual members of the limited liability company is:

(V) A professional lobbyist, volunteer lobbyist, or the principal of a professional or volunteer lobbyist, and the contribution is prohibited under section 1-45-105.5 (1).

Secretary of State Rules Concerning Lobbyist Regulation

8 CCR 1505-8

Statutory authority: Sections 24-6-303 (1.3), 24-6-303 (6.3), and 24-6-305 (1) (b), Colorado Revised Statutes.

RULE 1. FEES.

- (1) The fee for manual filing of a professional lobbyist registration statement shall be fifty dollars (\$50.00), except that the fee for a registration statement for the fiscal year beginning July 1, 2001 that is filed in writing before January 1, 2002 shall be twenty-five dollars (\$25.00) if the registering lobbyist requests to file electronically, and does file electronically, all monthly disclosure statements for the fiscal year that are due on or after January 1, 2002.
- (2) The fee for electronic filing of a professional lobbyist registration statement shall be twenty-five dollars (\$25.00) if the registering lobbyist requests to file electronically, and does file electronically, all monthly disclosure statements for the fiscal year.
- (3) The fee for electronic filing of a professional lobbyist registration statement shall be forty dollars (\$40.00) if the registering lobbyist does not request to file electronically, or does not file electronically, all monthly disclosure statements in connection with the registration. If a lobbyist requests to file electronic monthly disclosure statements at the time of registration and subsequently files any disclosure statement manually, the remaining fifteen dollars (\$15.00) of the fee set by this subsection (3) shall be due and payable at the time of manual filing of the written disclosure statement.

RULE 2. ELECTRONIC FILING.

- (1) Any professional lobbyist who wishes to file a registration statement and monthly disclosure statements electronically shall first submit a written request therefor to the secretary of state. The request shall be submitted either in hard copy form or in electronic form. A request may be submitted in electronic form by transmitting to the secretary of state a completed electronic request form over the Internet or by submitting a request by e-mail, as may be directed by the secretary of state's web site. The request shall contain:
 - (a) The lobbyist's name and the name of not more than one authorized agent who may electronically file on the lobbyist's behalf;
 - (b) Contact information for the individual who will be responsible for electronic filing, including mailing address, telephone number, and e-mail address of the lobbyist or the authorized agent, as the case may be;

- (c) An affirmation by the lobbyist that any identification number and password issued by the secretary of state will not be disclosed by the lobbyist to third parties, except to the authorized agent of the lobbyist, and that the identification number and password will not be used in an unauthorized manner;
 - (d) An agreement by the lobbyist to report promptly to the secretary of state any change to the lobbyist's or authorized agent's mailing address, telephone number, or e-mail address;
 - (e) An agreement by the lobbyist to report any theft, loss, or compromise of the lobbyist's identification number or password;
 - (f) An agreement by the lobbyist that the secretary of state may terminate the electronic filing status for any of the following reasons:
 - (i) Failure to keep contact information current with the secretary of state;
 - (ii) Disclosure to any unauthorized person(s) or misuse of the assigned identification number or password;
 - (iii) Termination of lobbyist status; or
 - (iv) Other good cause shown.
 - (g) Such additional information as the secretary of state may require in order to establish and maintain an accurate, accessible, secure, electronic lobbyist filing and information system.
- (2) Promptly after receiving a request for electronic filing as provided in this Rule 2, the secretary of state shall assign the professional lobbyist a unique identification number and password and e-mail such number and password to the professional lobbyist or the authorized agent at the e-mail address furnished by the professional lobbyist in the request for electronic filing. The identification number and password shall remain valid unless terminated by the secretary of state or the lobbyist; except that, the electronic filing system established by the secretary of state may enable the professional lobbyist or the authorized agent to change the password or other contact information within limitations prescribed by the secretary of state.
 - (3) Any professional lobbyist to whom the secretary of state has issued a lobbyist identification number and a password may file registration statements and monthly disclosure statements electronically. Electronic filings shall be in the format and on forms prescribed by the secretary of state from time to time.
 - (4) The electronic disclosure statement form may provide a space to list specific bill numbers and a brief description of the subject matter. Any information on bills may be carried over from month-to-month with a provision to add new information or to delete information no longer relevant.

- (5) A lobbyist may designate a different authorized agent by submitting a new request for electronic filing in the manner provided by subsection (1) of this Rule 2. In such case, the secretary of state may issue a new password to the new authorized agent.
- (6) When the lobbyist or authorized agent utilizes the electronic filing system to submit to the secretary of state, with the identification number and password assigned as provided in this Rule 2, a registration statement or disclosure statement, such submission shall constitute the lobbyist's or agent's electronic signature as provided by section 24-71.1-106, Colorado Revised Statutes, under penalty of perjury as provided by law.

RULE 3. PUBLIC ACCESS.

- (1) The secretary of state shall provide the public with electronic access over the Internet to lobbyist filings and information exclusively on a "read only" basis.
- (2) Automated extraction of bulk data from the secretary of state's web site, such as by means of computerized "robots" or "data mining", is prohibited. Upon request, the secretary of state will provide bulk data for a fee established pursuant to section 24-21-104, Colorado Revised Statutes.

RULE 4. WAIVER OF FEES.

- (1) Upon written request, the secretary of state may waive the registration fee for a professional lobbyist for a not-for-profit organization who meets one or more of the following conditions:
 - (a) The lobbyist derives his or her lobbyist compensation solely from the organization; and
 - (b) (i) The lobbyist's organization is operating under financial hardship conditions; or
(ii) The lobbyist will have particular interest in only one issue or bill and does not intend to lobby throughout the State fiscal year.

RULE 5. DISCLOSURE OF GIFTS/ENTERTAINMENT.

In accordance with section 24-6-301 (1.9) (a) (IV), Colorado Revised Statutes, a lobbyist shall disclose in monthly disclosure statements specific gifts to covered officials with a value of fifty dollars (\$50.00) or more, whether or not the lobbyist made any expenditure for such gifts.

SENATE RULE 31. USE OF SENATE CHAMBER AND PRIVILEGES.

Lobbyists and the public are encouraged to communicate with their Senators and to furnish to them factual data concerning the merits of legislative proposals. If the sergeant-at-arms has any question as to the propriety of the material to be distributed to the members of the Senate, the sergeant-at-arms shall consult the President of the Senate, or the presiding officer, or in the absence of both, the majority and minority floor leaders.

Lobbyists shall not be permitted on the floor of the Senate unless the Lobbyist is a former member who is otherwise authorized pursuant to this subsection (a) to address the members of the Senate regarding a Senate Memorial, Senate Joint Memorial, or House Joint Memorial expressing sentiment on the death of any person who served as a member of the Senate.

HOUSE RULE 39. LOBBYISTS

(a) For the purposes of this Rule and Rules 40 and 41 of the House, a lobbyist is any person defined as such in the Joint Rules of the Senate and House of Representatives.

(b) No lobbyist or member of the Governor's staff shall be admitted to the floor of the House:

(1) At any time the House is in session, including while it is sitting as a committee of the whole.

(2) Under any circumstances prior to 12 o'clock noon of any day the House is in session.

(3) Unless the lobbyist or member of the Governor's staff is a former member of the House who has been admitted pursuant to Rule 38 (d).

(c) A legislator shall not request a lobbyist or an employee of the General Assembly to make donations to any type of charitable organization.

(d) A legislator shall not request an employee of the General Assembly to make a donation to the legislator's campaign.

HOUSE RULE 40. REGISTRATION OF LOBBYISTS

(a) Any lobbyist, except a volunteer lobbyist, desiring to observe the session of the House or to appear before any committee of the House shall first register as a lobbyist with the Secretary of State as required in Section 24-6-303 or 24-6-303.5, Colorado Revised Statutes. A volunteer lobbyist shall first register with the chief clerk.

(b) The sergeant-at-arms shall thereupon conduct said person to the desk of the chief clerk, where said person shall register in the record kept for that purpose, entering thereon his or her name, address, and the interest or interests he or she represents, and also the bill or bills

upon which he or she desires to be heard. The chief clerk shall thereupon issue a card to said person, which card shall permit said person to appear before the committee or committees to which said bill or bills have been referred.

(c) At any meeting of any committee of the House, the chairman thereof, or a majority of the committee, may permit any interested person to address the committee upon said person's stating to the chairman his name and address and the subject upon which he desires to be heard.

Joint Rules of the Senate and House of Representatives

36. LOBBYING PRACTICES

(a) ***Definitions***. As used in this Joint Rule, unless the context otherwise requires:

(1) "Lobbying" shall have the meaning set forth in section 24-6-301 (3.5), Colorado Revised Statutes.

(2) "Lobbyist" means a professional lobbyist or a volunteer lobbyist as defined in section 24-6-301 (6) and (7), Colorado Revised Statutes or any state official or employee, engaged in lobbying pursuant to section 24-6-303.5, Colorado Revised Statutes. However, such terms and the provisions of this Joint Rule shall only apply to lobbying which relates to the legislative process.

(b) ***Prohibited practices***. No person engaging in lobbying shall:

(1) Attempt to influence any legislator or elected or appointed state official or state employee or legislative employee by means of deceit or by threat of violence or economic or political reprisal against any person or property, with intent thereby to alter or affect said legislator's, elected or appointed state official's, state employee's, or legislative employee's decision, vote, opinion, or action concerning any matter which is to be considered or performed by him or her or the agency or body of which he or she is a member;

(2) Knowingly provide false information to any legislator or elected or appointed state official or state employee or legislative employee as to any material fact pertaining to any legislation;

(3) Knowingly omit, conceal, or falsify in any manner information required by the registration and lobbyist disclosure reports;

(4) Become an active participant in the internal organization or leadership races of the General Assembly;

(5) Cause or influence the introduction of any bill or amendment for the purpose of afterwards being employed to secure its passage or defeat;

(5.5) File against another lobbyist a complaint subsequently found by the Executive Committee to be frivolous.

(6) Misappropriate or misuse state office supplies;

(7) Use state reproduction machines without paying for such use;

(8) Enter or use a legislator's or elected or appointed state official's or state employee's or legislative employee's office, phone, or parking space without explicit

permission;

- (9) Attempt to remove or remove any document from any legislative office, desk, file cabinet, reproduction machine, or any other place without explicit permission.
- (10) Engage in sexually harassing behavior towards members, legislative employees of the General Assembly, or third parties or behavior violative of the sexual harassment policy under Joint Rule No. 38.

(c) *Registration (filing of disclosure statements) disclosure of relationship with client.*

(1) Any lobbyist, except a volunteer lobbyist, shall register with the Secretary of State in accordance with section 24-6-303 or 24-6-303.5, Colorado Revised Statutes. The Secretary of State should provide from the registration statements filed by lobbyists such information as the chief clerk of the House of Representatives and the secretary of the Senate request for purposes of conducting the business of the chief clerk and secretary and to provide legislators with information pertinent to the performance of their legislative duties. Such information should be updated at least monthly during the legislative session. This procedure shall be in lieu of any additional registration requirement of the House of Representatives or the Senate.

(2) A volunteer lobbyist, as defined in section 24-6-301 (7), Colorado Revised Statutes, shall register with the chief clerk of the House of Representatives.

(3) If the secretary of state learns of the existence of a substantial violation of part 3 of article 6 of title 24, C.R.S., by a person engaged in lobbying, the secretary of state shall promptly notify both the President of the Senate who shall notify all members of the Senate and the Speaker of the House of Representatives who shall notify all members of the House of Representatives. If such a notice is received and if a complaint pursuant to subsection (d) of this rule is filed, upon the adoption of a resolution, either house may restrict the access of the person identified in the notice to members, committees, and other activities of that house pending the outcome of the complaint.

(d) *Violations (complaint).*

(1) Any person who has knowledge of a violation of any provisions of this Joint Rule may file a written complaint, signed by the complainant and describing the alleged violation, with any member of the Executive Committee. The President and the Speaker shall inform the person accused of a violation of the fact that a complaint has been filed, the nature of the complaint, and the name or names of the person or persons filing the complaint. As soon as possible after the complaint has been filed and notwithstanding the provisions of part 4 of article 6 of title 24, the Executive Committee shall meet in executive session to discuss the complaint. During the executive session, the Executive Committee may dismiss the complaint. If the complaint is dismissed prior to the appointment of a committee of legislators, the complaint shall remain confidential. If the Executive Committee finds that a complaint filed by a lobbyist against another lobbyist was frivolous, the Executive Committee may direct that the President and Speaker inform the accusing lobbyist of the finding and appoint a committee of legislators pursuant to paragraph (2) of this

subsection (d).

(2) If the complaint is not dismissed, the Executive Committee may direct the President and the Speaker to appoint a committee of legislators to interview the parties involved, as well as any other persons who may be able to provide relevant information, and to present to the Executive Committee such facts and information obtained. Once a committee is appointed, the President and the Speaker shall provide the person who is the subject of the written complaint with a copy of the written complaint.

(3) The committee shall consist of one legislator appointed by the Speaker of the House of Representatives, one legislator appointed by the President of the Senate, and one legislator designated by the two appointees. No more than two members of the committee shall be from the same political party. The legislators appointed to the committee shall have no personal interest in the alleged violation and shall have no business interest in or affiliation with the complainant or the alleged violator.

(4) All proceedings of the committee shall be public. The accused shall be entitled to be present during the proceedings. The committee members shall submit a report to the Executive Committee.

(5) After receiving the facts and information from the committee and after such facts and information have been provided to the person who is the subject of the written complaint, the Executive Committee shall act on said complaint at its next meeting or at a special meeting called for that purpose; however, the person who is the subject of the written complaint shall receive a reasonable opportunity to be heard by the Executive Committee and has the right to be present during its deliberations. The Executive Committee may dismiss the complaint or, if it determines that said violation occurred, it may prescribe such remedial measures as it deems appropriate, including, but not limited to, suspension of lobbying privileges before the General Assembly or any of its committees, or it may issue a letter of admonition or recommend a resolution of censure to be acted upon by the General Assembly. If the Executive Committee of the Legislative Council finds that the issuance of subpoenas is necessary in any such investigation, it may request such power, in accordance with Joint Rule No. 33, from the General Assembly or when the General Assembly is not in session from the entire Legislative Council.

(6) The President of the Senate or the Speaker of the House of Representatives shall designate a person of the opposite gender from the President or Speaker with whom a written complaint alleging a violation of paragraph (10) of subsection (b) of this Joint Rule may be filed.